

REMARKS

I. STATUS OF THE CLAIMS.

Claims 1-49 were canceled previously. Claims 50-53 are pending. Each of claims 50-53 has been amended to correct one inadvertent typographical error. These amendments are not being made for any reason related to patentability, and these amendments do not include any new matter.

II. STATUS OF PREVIOUSLY SUBMITTED INFORMATION DISCLOSURE STATEMENTS.

A. Information Disclosure Statement filed on April 29, 2003.

In the Supplemental Amendment filed on May 21, 2007, Applicants stated that they had not yet received from the Examiner an initialed copy of the Form PTO/SB/08A-B that accompanied an Information Disclosure Statement submitted in the instant application on April 29, 2003. Upon further review of the file, Applicants have determined that the Examiner did send Applicants an initialed copy of this Form PTO/SB/08A-B, which thus confirms that the Examiner did consider the references cited therein. Applicants thank the Examiner for her consideration of these references and apologize for any confusion.

B. Two Information Disclosure Statements filed on October 8, 2003.

As noted in the previous Supplemental Amendment, on October 8, 2003 Applicants submitted the following two Information Disclosure Statements in the instant application: (1) a Second Supplemental Information Disclosure Statement accompanied by a Form PTO SB/08A-B (5 pages) listing 93 references; and (2) a Third Supplemental Information Disclosure Statement accompanied by a Form PTO SB/08A-B (1 page)) listing 3 U.S. patents. Copies of the cited references were also submitted. On that date, Applicants also submitted a Request for Interference against U.S. Patent No. 6,479,258 to Jay Short. All of these documents were hand-delivered to the USPTO on October 8, 2003, addressed to Examiner Teresa Wessendorf, by Applicants' representative, Mercedes Meyer, of Burns Doane Swecker & Mathis LLP. The interference has now concluded, with judgment being rendered against Short, and the instant application has been returned to the Examiner for further examination. A copy of the two October 8, 2003 IDS submissions, including the PTO date-stamped postcard, is attached as Exhibit A.

The Examiner has informed Applicants' attorney, Margaret A. Powers, that she has not been able to locate copies of the references listed on these two Forms PTO SB/08A-B submitted on

October, 8, 2003. For the convenience of the Examiner and to facilitate prosecution of the instant application, Applicants hereby provide fresh copies of these references. In addition, to facilitate the Examiner's review, Applicants are re-submitting these two Forms PTO SB/08A-B. To alleviate any confusion, Applicants would appreciate if the Examiner would annotate these two Forms with her initials adjacent to each reference that she reviews.

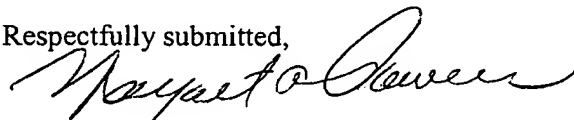
It is respectfully requested that the cited information on each Form PTO SB/08A-B be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom. As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicants believe that no fee is required for submission of this statement, since these references were previously made of record in the present application on October 8, 2003 and the appropriate fee was paid at that time. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0990.

CONCLUSION

In view of the foregoing, Applicants believe the pending claims are in condition for allowance and respectfully request the issuance of a formal Notice of Allowance. Should the Examiner have any concerns or question, Applicants respectfully request that the Examiner telephone the undersigned at the number shown below.

Respectfully submitted,



Margaret A. Powers
Reg. No. 39,804

June 14, 2007
Maxygen, Inc.
Intellectual Property Department
515 Galveston Drive
Redwood City, California 94063
Telephone: (650) 298-5809
Facsimile: (650) 298-5446
Customer No. 30560

EXHIBIT A

**For June 14, 2007 Submission
in U.S.S.N. 09/724,869**

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ **180.00**)

Complete if Known

Application Number **099/724,869**
Filing Date **November 28, 2000**
First Named Inventor **Juha Punnonen**
Examiner Name **Teresa Wessendorf**
Art Unit **1639**
Attorney Docket No. **0155.130US**

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit
Account
Number
Deposit
Account
Name

50-0990

Maxygen, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing fee	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$ **000.00**)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 84	2201 42	Independent claims in excess of 3
1203 280	2203 140	Multiple dependent claim, if not paid
1204 84	2204 42	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ **0000.00**)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	180.00
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify):

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ **180.00**)

SUBMITTED BY

Name (Print/Type) **Margaret A. Powers**

Registration No.
(Attorney/Agent)

39,804

Telephone **650-298-5809**

Signature

Margaret A. Powers

Date **09-15-03**

Certificate of Hand Delivery

for Examiner **Andrew J. Wang**

I hereby certify that this correspondence is being hand delivered in an envelope addressed to Examiner Teresa Wessendorf, United States Patent and Trademark Office, Art Unit 1639, 1911 S. Clark Pl. Crystal Mall One, 7th Floor, Arlington, VA 22202, on this date:

Typed or
Printed Name

Mercedes K. Meyer

Signature

Mercedes K. Meyer

Date

October 8, 2003
10/8/03